

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2005 JUN -2 PM 12:40

UNITED STATES OF AMERICA
Plaintiff

v.

Case Number 4:05cr3040

OFFICE OF THE CLERK

WESTERN SUGAR COOPERATIVE
Defendant

Robert B. Creager

Defendant's Attorney

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

THE DEFENDANT pleaded guilty to count(s) I, II, III of the Information on 5/26/05

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title, Section & Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
16:703 and 707 TAKING, KILLING, OR POSSESSING MIGRATORY BIRDS	January 20, 2003 January 21, 2003 January 22, 2003	I, II, III

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:
May 26, 2005

s/ David L. Piester
United States Magistrate Judge

June 2, 2005

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this ____ day of _____, _____

Signature of Defendant

PROBATION

The defendant is hereby sentenced to probation for a term of **6 Months**.

The defendant shall comply with all applicable laws and not discharge from the plant any substance which is harmful to the environment or to wildlife.

The defendant shall pay restitution in the amount of **\$5,000.00** to the Clerk of the United States District Court, P.O. Box 83468, Lincoln, Nebraska 68501. Restitution shall be paid in accordance with the schedule set forth in the "Schedule of Payments" set forth on pages 2 and 3 of this judgment during the period of supervised release. The defendant shall be responsible for providing proof of payment to the United States Probation officer as directed.

The \$375.00 special assessment is due immediately. Payment should be made to the Clerk of the United States District Court, P.O. Box 83468, Lincoln, Nebraska 68501.

The defendant shall report to the United States Probation Office for the District of Nebraska between the hours of 8:00am and 4:30pm, 332 U.S. Courthouse, 300 East 3rd Street, North Platte, Nebraska, (308) 532-1918, within seventy-two (72) hours of being placed on probation and, thereafter, as directed by the probation officer.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

Total Assessment

\$375.00

Total Fine

Total Restitution

\$35,000.00

RESTITUTION

Restitution in the amount of **\$35,000.00** is hereby ordered. The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(l), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>Amount of Restitution Ordered</u>
Nebraska Game & Parks Game Fund	\$5,000.00
Nebraska Wildlife Crime Stoppers	\$5,000.00
Platte River Basin Environment, Inc.	\$25,000.00
Totals	\$35,000.00

**Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, the court orders that payment of the total criminal monetary penalties shall be due as follows:

The defendant shall pay the special assessment in the amount of \$375.00.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, P.O. Box 83468, Lincoln, NE 68501.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant shall inform the probation officer of any change in his or her economic circumstances affecting the ability to make monthly installments, or increase the monthly payment amount, as ordered by the court. In the event a defendant is able to make a full or substantial payment toward the remaining criminal monetary penalty, he or she shall do so immediately.

The defendant is restrained from transferring any real or personal property, unless it is necessary to liquidate and apply the proceeds of such property as full or partial payment of the criminal monetary penalty.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: _____

DENISE M. LUCKS, CLERK

By _____ Deputy Clerk